

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SONJA REENAE ROBINSON,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

17 Civ. 8842 (ER) (SN)

Ramos, D.J.:

Sonja Robinson brings this *pro se* action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) challenging the decision of the Commissioner of Social Security denying her application for disability insurance benefits and supplemental security income. Pending before the Court is the Commissioner’s motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). Doc. 14. On January 25, 2019, Magistrate Judge Sarah Netburn issued a Report and Recommendation (“Report”), recommending that the Commissioner’s motion be denied and that the case be remanded for further proceedings to more fully develop the record, and notifying the parties that they had fourteen days from service of the Report to file written objections. Doc. 18. Over fourteen days have since elapsed, and neither party has filed objections to the Report.

I. Standard of Review

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may file specific written objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R.

Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C).

The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. Discussion

Because neither party has filed objections to the Report, the Court reviews it for clear error. The Court has carefully reviewed Judge Netburn's thorough and well-reasoned Report and finds no error, clear or otherwise. Accordingly, the Court adopts the Report in its entirety. The Commissioner's Rule 12(c) motion is DENIED, and the case is REMANDED for further proceedings consistent with this Opinion and the Report. The Commissioner's failure to file objections precludes appellate review of this decision. *See Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

The Clerk of the Court is respectfully directed to terminate the motion, Doc. 14, mail a copy of this Opinion to Robinson, and remand the case to the Commissioner.

It is SO ORDERED.

Dated: February 21, 2019
New York, New York



Edgardo Ramos, U.S.D.J.